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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filled as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 6th March, 1973:—

BILL No. VII OF 1973

A Bill further to amend the Plantations Labour Act, 1951.

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Plantations Labour (Amendment) Act, 1973.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 1.

69 of 1951.

2. In section 1 of the Plantations Labour Act, 1951 (hereinafter referred to as the principal Act),—

(*i*) in sub-sections (4) and (5),—

(a) for the figures and word "10.117 hectares", wherever they occur, the figures and word "6.5 hectares" shall be substituted;

(*b*) for the word "thirty", wherever it occurs, the word "twenty" shall be substituted;

(*ii*) after sub-section (4), the following *Explanation* shall be inserted, namely:—

"*Explanation.*—Where any piece of land used for growing any plant referred to in clause (*a*) or clause (*b*) of sub-section (4) admeasures less than 6.5 hectares and is contiguous to any other piece of land not being so used, but capable of being so used, and both such pieces of land are under the management of

the same employer, then, for the purposes of that sub-section, the piece of land first mentioned shall be deemed to be a plantation, if the total area of both such pieces of land admeasures 6.5 hectares or more.".

Amendment of section 2.

3. In section 2 of the principal Act,—

(*i*) after clause (*ee*), the following clause shall be inserted, namely:—

'(*eee*) "inspector" means an inspector of plantations appointed under sub-section (*1*) of section 4 and includes an additional inspector of plantations appointed under sub-section (*1A*) of that section;';

(*ii*) in clause (*k*), in sub-clauses (*ii*) and (*iii*), for the words "rupees three hundred", the words "rupees five hundred" shall be substituted.

Insertion of new Chapter IA.

4. After Chapter I of the principal Act, the following Chapter shall be inserted, namely:—

"CHAPTER IA

REGISTRATION OF PLANTATIONS

Appointment of registering officers.

3A. The State Government may, by notification in the Official Gazette,—

(*a*) appoint such persons being Gazetted officers of Government, as it thinks fit, to be registered officers for the purpose of this Chapter; and

(*b*) define the limits, within which a registering officer shall exercise the powers and discharge the functions conferred or imposed on him by or under this Chapter.

Registration of plantations.

3B. (*1*) Every employer of a plantation, existing at the commencement of the Plantations Labour (Amendment) Act, 1973 shall, within a period of sixty days of such commencement, and every employer of any other plantation coming into existence after such commencement shall, within a period of sixty days of the coming into existence of such plantation, make an application to the registering officer for the registration of such plantation:

Provided that the registering officer may entertain any such application after the expiry of the period aforesaid if he is satisfied that the applicant was prevented by sufficient cause from making the application within such period.

(*2*) Every application made under sub-section (*1*) shall be in such form and shall contain such particulars and shall be accompanied with such fees as may be prescribed.

(*3*) After the receipt of an application under sub-section (*1*), the registering officer shall, after making such inquiry as he deems fit, by order in writing, either register the plantation or refuse to register the plantation:

Provided that before making an order refusing to register a plantation, he shall give the applicant a reasonable opportunity of being heard in the matter.

(4) Where a plantation is registered under this section, the registering officer shall issue a certificate of registration to the employer thereof in such form as may be prescribed.

(5) Where, after the registration of a plantation under this section, any change occurs in the ownership or management or in the extent of the area or other prescribed particulars in respect of such plantation, the particulars regarding such change shall be intimated by the employer to the registering officer within thirty days of such change in such form as may be prescribed.

Appeals against orders of registering officer.

3C. (1) Any person aggrieved by any order of a registering officer under section 3B shall, within thirty days of the communication of such order to him, prefer an appeal to such authority as may be prescribed:

Provided that the appellate authority may entertain an appeal under this sub-section after the expiry of the aforesaid period if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within such period.

(2) After the receipt of an appeal under sub-section (1), the appellate authority may, after giving the appellant and the registering officer an opportunity of being heard in the matter, dispose of the appeal as expeditiously as possible.

Power to make rules.

3D. (1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form of application for the registration of a plantation, the particulars to be contained in such application and the fees to be accompanied along with such application;

(b) the procedure to be followed by the registering officer in registering a plantation;

(c) the form of the certificate of registration;

(d) the particulars regarding any change in respect of which intimation shall be given by the employer to the registering officer under sub-section (5) of section 3B and the form in which such change shall be intimated;

(e) the authority to which an appeal may be preferred under section 3C and the fees payable in respect of such appeal;

(f) the registers to be kept and maintained by a registering officer.".

Amendment of section 4.

5. In section 4 of the principal Act, after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) The State Government may also, by notification in the Official Gazette, appoint such officers of the State Government or of any local authority under its control, as it thinks fit, to be additional inspectors of plantations for all or any of the purposes of this Act."

Amendment of section 12.

6. In section 12 of the principal Act,—

(*i*) in sub-section (*1*), after the words "women workers", the brackets and word "(including women workers employed by any contractor)" shall be inserted;

(*ii*) after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) Notwithstanding anything contained in sub-section (*1*), if, in respect of any plantation wherein less than fifty women workers (including women workers employed by any contractor) are employed or were employed on any day of the preceding twelve months, the State Government, having regard to the number of children of such women workers below the age of six years deems it necessary that suitable rooms for the use of such children should be provided and maintained by the employer, it may, by order, direct the employer to provide and maintain such rooms and thereupon the employer shall be bound to comply with such direction.";

(*iii*) in sub-section (*2*), for the words "Such rooms", the words, brackets, figures and letter "The rooms referred to in sub-section (*1*) or sub-section (*1A*)" shall be substituted;

(*iv*) in sub-section (*3*), for the words "such rooms", the words, brackets, figures and letter "the rooms referred to in sub-section (*1*) or sub-section (*1A*)" shall be substituted.

Substitution of new section for section 15.

7. For section 15 of the principal Act, the following section shall be substituted, namely:—

Housing facilities.

"15. It shall be the duty of every employer to provide and maintain necessary housing accommodation—

(*a*) for every worker (including his family) residing in the plantation;

(*b*) for every worker (including his family) residing outside the plantation, who has put in six months of continuous service in such plantation and who has expressed a desire in writing to reside in the plantation:

Provided that the requirement of continuous service of six months under this clause shall not apply to a worker who is a member of the family of a deceased worker who, immediately before his death, was residing in the plantation".

Insertion of new sections 16A to 16G.

8. After section 16 of the principal Act, the following sections shall be inserted, namely:—

Liability of employer in respect of accidents resulting from collapse of defectively constructed houses.

"16A. (*1*) If death or injury is caused to any worker or a member of his family as a result of the collapse of a house provided under section 15, and the collapse is not attributable to a fault on the part of any occupant of the house or to a natural calamity, the employer shall be liable to pay compensation to the extent set out in sub-section (*2*).

(*2*) The liability of an employer under this section shall in no case exceed,—

(*i*) ten thousand rupees, in case of death;

(*ii*) fourteen thousand rupees, in case of injury.

Appointment of Commissioners.

16B. The State Government may, by notification in the Official Gazette, appoint as many persons, possessing the prescribed qualifications, as it thinks fit, to be Commissioners to determine the amount of compensation payable under section 16A and may define the limits within which each such Commissioner shall exercise the powers and discharge the functions conferred or imposed on him by or under this Act.

Application for compensation.

16C. (*1*) An application for payment of compensation under section 16A may be made to the Commissioner—

(*a*) by the person who has sustained the injury; or

(*b*) by any agent duly authorised by the person who has sustained the injury; or

(*c*) where the person who has sustained the injury is a minor, by his guardian; or

(*d*) where death has resulted out of the collapse of the house, by any dependant of the deceased.

(*2*) Every application under sub-section (*1*) shall be in such form and shall contain such particulars as may be prescribed.

(*3*) No application for compensation under this section shall be entertained unless it is made within three months of the collapse of the house:

Provided that the Commissioner may entertain any such application after the expiry of the period aforesaid, if he is satisfied that the applicant was prevented by sufficient cause from making the application within such period.

(*4*) If in an application for compensation under this section, any person makes a statement which is false and which he knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

Explanation.—In this section, the expression "dependant" has the meaning assigned to it in clause (*d*) of section 2 of the Workmen's Compensation Act, 1923.

8 of 1923

Procedure and powers of Commissioner.

16D. (*1*) On receipt of an application under section 16C, the Commissioner may make an inquiry into the matter covered by the application.

(*2*) In determining the amount of compensation payable under section 16A, the Commissioner may, subject to any rules that may be made in this behalf, follow such summary procedure as he thinks fit.

(*3*) The Commissioner shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely:— 5 of 1908.

(*a*) summoning and enforcing the attendance of any person and examining him on oath;

(*b*) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(*d*) requisitioning any public record or copy thereof from any court or office;

(*e*) issuing commissions for the examination of witnesses or documents;

(*f*) any other matter which may be prescribed.

(*4*) Subject to any rules that may be made in this behalf, the Commissioner may, for the purpose of determining any claim or compensation, choose one or more persons possessing special knowledge of any matter relevant to the inquiry to assist him in holding the inquiry.

Liability to pay compensation, etc., to be decided by Commissioner.

16E. (*1*) Any question as to the liability of an employer to pay compensation under section 16A, or as to the amount thereof, or as to the person to whom such compensation is payable, shall be decided by the Commissioner.

(*2*) Any person aggrieved by a decision of the Commissioner refusing to grant compensation, or as to the amount of compensation granted to him, or to the apportionment thereof, may prefer an appeal to the High Court having jurisdiction over the place where the collapse of the house has occurred, within ninety days of the communication of the order of the Commissioner to such person:

Provided that the High Court may entertain any such appeal after the expiry of the period aforesaid if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within such period:

Provided further that nothing in this sub-section shall be deemed to authorise the High Court to grant compensation in excess of the limits specified in section 16A.

(3) Subjec to the decision of the High Court in cases in which an appeal is preferred under sub-section (2), the decision of the

Commissioner under sub-section (*1*) shall be final and shall not be called in question in any court.

Saving as to certain rights.

16F. The right of any person to claim compensation under section 16A shall be without prejudice to the right of such person to recover compensation payable under any other law for the time being in force; but no person shall be entitled to claim compensation more than once in respect of the same collapse of the house.

Power to make rules.

16G. (*1*) The State Government may, by notification in the Official Gazette, make rules for giving effect to the provisions of sections 16A to 16F (both inclusive).

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for,—

(*i*) the qualifications and conditions of service of Commissioners;

(*ii*) the nature of injuries and the rates at which compensation shall be payable for such injuries;

(*iii*) the principles for determination of compensation in case of death;

(*iv*) the manner in which claims for compensation may be inquired into and determined by the Commissioner;

(*v*) the matters in respect of which any person may be chosen to assist the Commissioner under section 16D and the functions that may be performed by such person;

(*vi*) generally for the effective exercise of any powers conferred on the Commissioner.".

Amendment of section 19.

9. Section 19 of the principal Act shall be re-numbered as sub-section (*1*) thereof, and—

(*i*) in sub-section (*1*) as so re-numbered,—

(*a*) for the words "fifty-four hours", the words "forty-eight hours" shall be substituted;

(*b*) for the words "forty hours", the words "twenty-seven hours" shall be substituted;

(*ii*) after sub-section (*1*) as so re-numbered, the following sub-section shall be inserted, namely:—

"(*2*) Where an adult worker works in any plantation on any day in excess of the number of hours constituting a normal working day or for more than forty-eight hours in any week, he shall, in respect of such overtime work, be entitled to wages at such rates as may be prescribed:

Provided that no such worker shall be allowed to work for more than fifty-four hours in any week.".

Amendment of section 20.

10. In sub-section (*1*) of section 20 of the principal Act,—

(*i*) after clause (*a*), the following clause shall be inserted, namely:—

"(*aa*) provide for the conditions subject to which, and the circumstances in which, an adult worker may be required or allowed to work overtime and the rates at which wages for such overtime work shall be paid;";

(*ii*) in clause (*b*), for the words "prevailing in the area, and where there is no such rate at such rate as may be fixed by the State Government in this behalf", the words, brackets and letters "prescribed by rules made under clause (*aa*)" shall be substituted.

Amendment of section 30.

11. In sub-section (*1*) of section 30 of the principal Act,—

(*i*) the proviso shall be omitted;

(*ii*) the *Explanation* shall be numbered as *Explanation* 1, and after the *Explanation* as so numbered, the following *Explanation* shall be inserted, namely:—

"*Explanation* 2.—The leave admissible under this sub-section shall be exclusive of all holidays, whether occurring during, or at either end of, the period of leave.".

Insertion of new Chapter VIA.

12. After Chapter VI of the principal Act, the following Chapter shall be inserted, namely:—

"CHAPTER VIA

ACCIDENTS

Notice of accident.

32A. Where in any plantation, an accident occurs which causes death or which causes any bodily injury to a worker by reason of which the worker injured is prevented from working for a period of forty-eight hours or more immediately following the accident, or which is of such a nature as may be prescribed in this behalf, the employer thereof shall send notice thereof to such authorities, in such form, and within such time, as may be prescribed.

Register of accidents.

32B. The employer shall maintain a register of all accidents which occur in the plantation in such form and in such manner as may be prescribed.".

Insertion of new section 37A.

13. After section 37 of the principal Act, the following section shall be inserted, namely:—

Power of court to make orders.

"37A. (*1*) Where an employer is convicted of an offence punishable under section 36, the court may, in addition to awarding any punishment, by order in writing, require him within such period as may be specified in the order (which the court may, if it thinks fit and on an application made in this behalf by the employer, from time to time, extend) to take such measures as may be so specified for remedying the matters in respect of which the offence was committed.

(*2*) Where an order is made under sub-section (*1*), the employer shall not be liable under this Act in respect of the continuation of the offence during the period or extended period, as the case may be, specified by the Court, but if, on the expiry of such period or extended period, the order of the court has not been fully complied with, the employer shall be deemed to have committed a further offence and he shall, on conviction, be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one hundred rupees for every day after such expiry or with both.".

Amendment of section 43.

14. In sub-section (*2*) of section 43 of the principal Act,—

(*i*) in clause (*j*) the word "and" occurring at the end shall be omitted;

(*ii*) after clause (*k*), the following clause shall be added, namely:—

"(*l*) any other matter which is required to be, or may be, prescribed.".

STATEMENT OF OBJECTS AND REASONS

The Plantations Labour Act, 1951 provides for the welfare of labour and regulates the conditions of work in plantations. The question of amending the said Act with a view to removing certain difficulties that have been experienced in its working and for enlarging the scope of the Act had been under consideration for some time and the matter had also been discussed at the various sessions of the Industrial Committee on Plantations. Some proposals for amendment of the Act, arising out of the recommendations of the National Commission on Labour were also settled after consultation with the Industrial Committee on Plantations and it is proposed to amend the Act to remove such difficulties and to give effect to the said proposals. The amendments to the Act now proposed mainly relate, among others, to the following matters, namely:—

(*1*) Extension of the application of the Act to plantations admeasuring 6.5 hectares or more and employing twenty or more workers. The Act is now applicable only to plantations admeasuring 10.117 hectares or more and employing thirty or more workers.

(*2*) Increase in the monthly wage limit of a worker in a plantation to five hundred rupees from three hundred rupees as at present with a view to enlarging the scope of the application of the Act to more persons.

(*3*) Provision for compulsory registration of plantations.

(*4*) Provision for and maintenance of creches even in plantations employing less than fifty women workers (including women workers employed by any contractor), if the State Government is of the opinion that the number of children of the women workers in a plantation requires provision of creches.

(*5*) Provision for payment of compensation for death or injury due to collapse of defectively constructed houses provided by the employer.

(*6*) Reduction of working hours for adults and children from 54 hours and 40 hours to 48 hours and 27 hours in a week, respectively.

NEW DELHI;
The 23rd February, 1973.

K. V. RAGHUNATHA REDDY.

FINANCIAL MEMORANDUM

Clause 4 of the Bill proposes to insert a new Chapter IA in the principal Act, which provides for the registration of plantations. The new section 3A(*a*) in that Chapter, empowers the State Government to appoint Gazetted officers of Government to be registering officers. Clause 5 of the Bill seeks to insert a new sub-section (*1A*) in section 4 of the principal Act empowering the State Government to appoint any of its officers or of any local authority under its control to be additional inspectors. Clause 8 of the Bill seeks to insert a new section 16B in the principal Act empowering the State Government to appoint Commissioners to determine the amount of compensation payable under the proposed new section 16A. As the Act is administered by the State Governments, no expenditure will be incurred from the Consolidated Fund of India in respect of the appointment of registering officers, additional inspectors or Commissioners. But in respect of the Union territories, though the existing staff will be employed to the extent possible for exercising the powers and discharging the functions of registering officers, additional inspectors and Commissioners, some additional staff may have to be appointed subsequently, depending on the volume of work. In so far as the Union territories are concerned, it is estimated that an expenditure of a sum not exceeding ten thousand rupees per annum is likely to be incurred from the Consolidated Fund of India, if the Bill is passed and brought into operation. There will be no non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill, which seeks to insert a new section 3D in the principal Act, empowers the State Government to make rules to carry out the purposes of the new Chapter IA, relating to registration of plantations. The matters in respect of which rules may be made under the new section relate to the form of application for the registration of a plantation, the fees to be paid on such applications, the procedure to be followed by the registering officer in registering a plantation, the authority to which an appeal may be preferred against the orders of the registering officer and other matters.

2. Clause 8 of the Bill, which seeks to insert new section 16G in the principal Act, empowers the State Government to make rules for giving effect to the provisions of the new sections 16A to 16F, which deal with payment of compensation to workers as a result of death or injury caused due to defective construction of houses provided by the employers. The matters in respect of which rules may be made under this section relate to the qualifications and conditions of service of Commissioners, the nature of injuries and the rates at which compensation is payable for such injuries, the principles for determination of compensation in case of death and other matters.

3. The matters with respect to which rules may be made by the State Governments under the aforesaid provisions relate to matters of detail or procedure. The delegation of legislative powers is, therefore, of a normal character.

B. N. BANERJEE,
Secretary.

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